

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

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OI EUROPEAN GROUP B.V.,	:	
	:	
Petitioner,	:	
	:	
-against-	:	1:15-cv-02178 (ALC)
	:	
BOLIVARIAN REPUBLIC OF	:	<u>ORDER TO SHOW CAUSE</u>
VENEZUELA,	:	
	:	
Respondent.	:	
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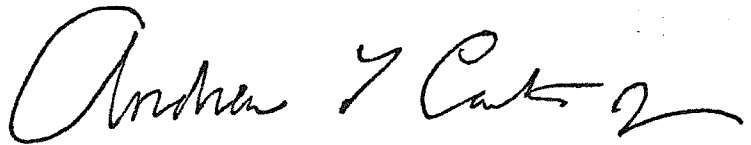
ANDREW L. CARTER, JR., United States District Judge:

Petitioner brings this *ex parte* petition to recognize ICSID arbitration award pursuant to 22 U.S.C § 1650a (the “Petition”). Respondent has moved to dismiss the petition, or in the alternative, stay the proceedings. Since then, the Second Circuit in *Mobil Cerro Negro, Ltd. v. Bolivarian Republic of Venezuela* (“*Mobil*”), 863 F.3d 96, 124 (2d Cir. 2017) held that “when the ICSID award-debtor is a foreign sovereign, the [Foreign Sovereign Immunities Act (“FSIA”)]’s procedural mandates control, including the requirements that process be served to obtain personal jurisdiction under 28 U.S.C. § 1330(b), and venue be proper under 28 U.S.C. § 1391(f).” *Mobil* is now binding precedent in this Circuit.

Therefore, it is hereby ORDERED that Petitioner show cause why this Court should not grant Respondent’s motion and dismiss the petition for lack of subject matter and personal jurisdiction under the FSIA. Petitioner must respond in writing no later than April 17, 2018.

SO ORDERED.

Dated: New York, New York
April 4, 2018

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", written in a cursive style.

ANDREW L. CARTER, JR.
United States District Judge